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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/445,328	12/07/99	SAMPATH K	00960-514

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
1647	6

DATE MAILED: 07/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/445,328	Sampath et al.
Examiner	**Art Unit**
David Romeo	1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *7 Dec 1999* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims *1-52* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering OP-1.

Group II, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering OP-2.

Group III, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering OP-3.

Group IV, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP2.

Group V, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP3.

Group VI, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP4.

Group VII, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP5.

Group VIII, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP6.

Group IX, claim(s) 1, 2, 5-38, to the extent that they are drawn to a method of treatment for a mammal in, or at risk of renal failure by administering BMP9.

Group X, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering OP-1.

Group XI, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering OP-2.

Group XII, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering OP-3.

Group XIII, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP2.

Group XIV, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP3.

Group XV, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP4.

Group XVI, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP5.

Group XVII, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP6.

Group XVIII, claim(s) 3, 5-14, 25-38, to the extent that they are drawn to a method of reducing inflammation by administering BMP9.

Group XIX, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering OP-1.

Group XX, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering OP-2.

Group XXI, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering OP-3.

Group XXII, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP2.

Group XXIII, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP3.

Group XXIV, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP4.

Group XXV, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP5.

Group XXVI, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP6.

Group XXVII, claim(s) 4-14, 25-38, to the extent that they are drawn to a method of inhibiting apoptosis by administering BMP9.

Group XXVIII, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising OP-1.

Group XXIX, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising OP-2.

Group XXX, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising OP-3.

Group XXXI, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP2.

Group XXXII, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP3.

Group XXXIII, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP4.

Group XXXIV, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP5.

Group XXXV, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP6.

Group XXXVI, claim(s) 39-52, to the extent that they are drawn to a method of manufacturing a medicament comprising BMP9.

2. The inventions listed as Groups I-XXXVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: With respect to unity of invention PCT Rule 13.1 states "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention")." Additionally, PCT Rule 13.2 states: "Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." Groups I-XXXVI lack technical features that define a contribution which each of the

claimed inventions, considered as a whole, makes over the prior art. See documents D1, D2, D3, or D4 cited in the international search report filed with the instant application.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (703) 305-4050. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH FRIDAY FROM 7:30 A.M. TO 4:00 P.M.

IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, GARY KUNZ, CAN BE REACHED ON (703) 308-4623.

OFFICIAL PAPERS FILED BY FAX SHOULD BE DIRECTED TO (703) 308-4242.

FAXED DRAFT OR INFORMAL COMMUNICATIONS SHOULD BE DIRECTED TO THE EXAMINER AT (703) 308-0294.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED TO THE GROUP RECEPTIONIST WHOSE TELEPHONE NUMBER IS (703) 308-0196.

DAVID ROMEO
PRIMARY EXAMINER
ART UNIT 1647

JULY 1, 2001